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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,288	12/28/2001	You Sung Kang	P67500US0	3114

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EXAMINER

ANYA, CHARLES E

ART UNIT

PAPER NUMBER

2126

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,288

Applicant(s)

KANG ET AL.

Examiner

Charles E Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/8/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-7 are pending in this application.

***Information Disclosure Statement***

2. The information disclosure statement filed 12/18/01 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specifically the foreign patents (99-19525, 00-644, 00-6591) cited in the information disclosure statement do not include concise explanation of their relevance and do not include English language translation and such has not been considered.

3. The information disclosure statement filed 12/18/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the cited document "Design and Implementation of WIM Based in PKCS #15; Wireless Internet Security Research Team, ETRI is missing. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the

time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following words lack antecedent in basis:

- i. "terminal" on lines 3 and 6 of claims 1 and 7 respectively.

For the purpose of this office action the Examiner would change the word "terminal" to "mobile terminal".

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**7. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (hereinafter referred to as AAPA pages 2-3) in view of U.S. Pub. No. 2001/0024066 A1 to Fu et al.**

8. As to claim 1, AAPA teaches a method of setting a communication environment between a mobile terminal and a smart card using a layered architecture of a protocol stack, the system comprising: if the mobile terminal provides power to the smart card, sending an answer-to-reset signal from the smart card to the to the mobile terminal (page 2 lines 8 – 14); determining whether or not the received answer-to-reset signal complies with an answer-to-reset signal pattern required by the mobile terminal (page 2 lines 16 – 21); if the received answer-to-reset signal complies with an answer-to-reset signal pattern required by the mobile terminal, analyzing the answer-to-reset signal transferred from the smart card to establish a communication environment (Step S104 page 2 lines 20 – 24); if the optimum communication environment is established, sending a command for requesting to open a logical channel to the smart card/opening the logical channel in response to the command for requesting to open the logical channel received from the mobile terminal, and sending a signal responding to the command to the mobile terminal (Step S105 page 2 lines 26 – 28, page 3 lines 1 – 2); and opening the logical channel to be used in the application to secure a communication channel between the smart card and the mobile terminal (Step S106 page 3 lines 7 – 8).

9. AAPA is silent with reference to an application from which communication is established between a smart card and a mobile terminal.

10. Fu teaches an application from which communication is established between a smart card and a mobile terminal (figure 2, figure 6 page 5 paragraphs 0092-0099).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fu and AAPA because the teaching of Fu improve the system of AAPA by providing applications related sub-layer that masks the difference between API sets within the smart card related layer and details of the smart card (Fu page 5 paragraph 0098).

12. As to claim 2, AAPA teaches the method as claimed in claim 1, wherein the answer-to-reset signal transferred from the smart card comprises at least one of a communication speed and a communication protocol (page 2 lines 13 – 15).

13. As to claim 3, Fu teaches the method as claimed in claim 1, in the determining step, if he received answer-to-reset signal does not comply with an answer-to-reset signal pattern required by the mobile terminal (figure 4 Step 402 page 4 paragraph 0071), the method further comprising the steps of: determining whether or not a process of a protocol and parameters selection is executed in the mobile terminal (figure 4 Step 404 page 4 paragraphs 0071/0072); if the mobile terminal executes the process of the protocol and parameters selections, sending a command for requesting to select the protocol and parameters to the smart card; determining whether the process of the

protocol and parameters selections is supported by the smart card, which receives the command for requesting to select the protocol and parameters from the mobile terminal (figure 4 Step 406-410 page 4 paragraph 0072); and if the smart card supports the protocol and parameters selection, sending a signal responding to the command for requesting to select the protocol and parameters to the mobile terminal to ensure the communication channel between the smart card and the mobile terminal (figure 4 Step 406-410 page 4 paragraph 0072).

14. As to claim 4, Fu teaches the method as claimed in claim 1, wherein the smart card and the mobile terminal comprise a transmission layer for transmitting and receiving a data, and an application layer for processing the data, respectively (figure 2, page 2 paragraph 0048, figure 6 page 5 paragraphs 0098/0099).

15. As to claim 5, Fu teaches the method as claimed in claim 4, wherein the application layer of the smart card and the mobile terminal includes a plurality of applications, and the transmission layer of the smart card and the mobile terminal includes a plurality of communication environments capable of supporting the plurality of applications of the application layer (figure 2, page 4 paragraph 0070, page 5 paragraph 0095).

16. As to claim 6, the method as claimed in claim 4 wherein the transmission layer and the application layer are independently embodied to each other, so that one

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application supported by a plurality of communication protocols and one communication protocol supports a plurality of applications (figure 2, page 4 paragraph 0070, page 5 paragraph 0095).

17. As to claim 7, see the rejection of claim 1 above.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,578,768 B1: directed to a method of selecting a reconfigurable communications protocol between an IC card and a terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya  
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